

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No. <u>03-157</u>
v.	:	Date Filed: <u>January 13, 2004</u>
MARCOS SANTIAGO,	:	Violations:
ALFREDO SANTIAGO	:	
a/k/a "Primo"	:	18 U.S.C. § 1951 (conspiracy to interfere
	:	with commerce by robbery - 1 count)
	:	18 U.S.C. § 1951 (interference with
	:	commerce by robbery - 3 counts)
	:	18 U.S.C. § 924(c)(1)(A) (possession of a
	:	firearm in furtherance of a crime of
	:	violence - 3 counts)
	:	18 U.S.C. § 2119 (carjacking - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	18 U.S.C. § 922(g)(1) (felon in possession
	:	of a firearm - 2 counts)

SECOND SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

AT ALL TIMES MATERIAL TO THIS INDICTMENT:

1. The Ramada Inn, located at 2250 Lincoln Highway East, East Lampeter, Pennsylvania, in Lancaster County, Pennsylvania, was a business engaged in and affecting interstate commerce, providing lodging, food and drink to Pennsylvania and out-of-state residents.

2. The Days Inn hotel, located at 2299 Lancaster Pike, Shillington, Pennsylvania, in Berks County Pennsylvania, was a business engaged in and affecting interstate commerce, providing lodging to Pennsylvania and out-of-state residents.

3. The Host Resort hotel, located at 2300 Lincoln Highway East, East

Lampeter, Pennsylvania, in Lancaster County, Pennsylvania, was a business engaged in and affecting interstate commerce, providing lodging, food and drink to Pennsylvania and out-of-state residents.

4. From on or about May 2, 2002 until on or about May 19, 2002, in the Eastern District of Pennsylvania, defendants

**MARCOS SANTIAGO and
ALFREDO SANTIAGO, a/k/a “Primo,”**

together, and with Tarik Roberts and Carlos Calero, charged elsewhere, conspired and agreed to unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, that is, to unlawfully take property, specifically, cash and other items of value, from the person and presence of employees of hotels, against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to the employees’ person and property, and property in their custody and possession belonging to the hotels, all in violation of Title 18, United States Code, Section 1951.

MANNER AND MEANS

It was part of the conspiracy that:

5. In an approximately 17 day period, from on or about May 2, 2002, to on or about May 19, 2002, defendant MARCOS SANTIAGO and co-conspirator Tarik Roberts, charged elsewhere, planned and executed the armed robberies of the Ramada Inn, the Days Inn and the Host Resort. Defendant ALFREDO SANTIAGO and co-conspirator Carlos Calero, charged elsewhere, planned and executed the May 5, 2002 armed robbery of the Days Inn together with defendant MARCOS SANTIAGO and Tarik Roberts.

6. In each of the hotel robberies, the conspirators brought and used a Desert

Eagle .44 magnum semi-automatic pistol, knowing that it would be used to threaten and intimidate the employees of the hotels.

7. In each of the hotel robberies, the conspirators drove together to the hotel, where at least one of the conspirators entered the hotel at gunpoint and stole money at gunpoint.

8. Following both the May 2, 2002 robbery of the Ramada Inn and the May 5, 2002 robbery of the Days Inn, the conspirators fled in a car driven by one of the conspirators and then split up the stolen money.

OVERT ACTS

In furtherance of the conspiracy, the defendants MARCOS SANTIAGO and ALFREDO SANTIAGO, and co-conspirators Tarik Roberts and Carlos Calero, charged elsewhere, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

The May 2, 2002 Armed Robbery of the Ramada Inn

On or about May 2, 2002:

1. Defendant MARCOS SANTIAGO asked Tarik Roberts if defendant MARCOS SANTIAGO could use the Desert Eagle .44 magnum semi-automatic pistol in an armed robbery of a hotel.

2. Tarik Roberts provided the Desert Eagle .44 magnum semi-automatic pistol to defendant MARCOS SANTIAGO

3. Defendant MARCOS SANTIAGO drove to the Ramada Inn with Tarik Roberts and the Desert Eagle .44 magnum semi-automatic pistol.

4. Defendant MARCOS SANTIAGO attempted to disguise his appearance.

5. Defendant MARCOS SANTIAGO entered the Ramada Inn with the Desert Eagle .44 magnum semi-automatic pistol, vaulted over the counter, pointed the Desert Eagle .44 magnum semi-automatic pistol at a hotel employee, demanded money, threatened to put a hole in the employee's head if he did not comply with defendant's demand and stole approximately \$190 in cash from the Ramada Inn.

6. Tarik Roberts was in the Ramada Inn, standing nearby, during the robbery.

7. Tarik Roberts and defendant MARCOS SANTIAGO drove away from the Ramada Inn with the money and the Desert Eagle .44 magnum semi-automatic pistol.

8. Defendant MARCOS SANTIAGO divided the stolen money with Tarik Roberts.

The May 5, 2002 Armed Robbery of the Days Inn

On or about May 5, 2002:

9. Defendant MARCOS SANTIAGO drove defendant ALFREDO SANTIAGO and Tarik Roberts and Carlos Calero in a car to the Days Inn.

10. Defendant ALFREDO SANTIAGO entered the Days Inn and asked to use the bathroom. While inside the Days Inn, defendant ALFREDO SANTIAGO examined the hotel for the purpose of committing a robbery.

11. Defendant ALFREDO SANTIAGO exited the hotel, but soon reentered with Tarik Roberts. Both attempted to disguise their appearance.

12. In the presence of and with the knowledge of defendants MARCOS SANTIAGO and ALFREDO SANTIAGO and Carlos Calero, Tarik Roberts brought a Desert Eagle .44 magnum semi-automatic pistol into the hotel for the purpose of committing armed robbery.

13. While in the Days Inn, defendant ALFREDO SANTIAGO pointed what appeared to be a black firearm at a hotel employee; Tarik Roberts pointed the Desert Eagle .44 magnum semi-automatic pistol at the hotel employee.

14. Defendant ALFREDO SANTIAGO and Tarik Roberts stole cash from drawers at the check-in counter and stole a large safe, which Roberts carried towards the getaway car driven by defendant MARCOS SANTIAGO.

15. Defendant MARCOS SANTIAGO drove the others, with the stolen cash and safe, away from the Days Inn.

16. Carlos Calero permitted defendants MARCOS SANTIAGO and ALFREDO SANTIAGO, as well as Tarik Roberts, to bring the safe to the residence at which he (Carlos Calero) had been staying, where they opened the safe.

17. Defendants MARCOS SANTIAGO and ALFREDO SANTIAGO, together with Tarik Roberts and Carlos Calero, divided the approximately \$3000 in cash they had robbed from the Days Inn at gunpoint.

18. Defendant MARCOS SANTIAGO discarded the stolen safe.

The May 19, 2002 Armed Robbery of the Host Resort

On or about May 19, 2002:

19. Defendant MARCOS SANTIAGO drove to meet Tarik Roberts and asked Tarik Roberts if defendant MARCOS SANTIAGO could use the Desert Eagle .44 magnum semi-automatic pistol in an armed robbery of a hotel.

20. Tarik Roberts gave the loaded Desert Eagle .44 magnum semi-automatic pistol to defendant MARCOS SANTIAGO.

21. Defendant MARCOS SANTIAGO fired at least one test shot from the Desert Eagle .44 magnum semi-automatic pistol.

22. Together, defendant MARCOS SANTIAGO and Tarik Roberts drove to a hotel for the purpose of robbing it, but defendant MARCOS SANTIAGO discovered that it was closed.

23. Together, defendant MARCOS SANTIAGO and Tarik Roberts drove to another hotel, the Host Resort.

24. Defendant MARCOS SANTIAGO entered the Host Resort with the Desert Eagle .44 magnum semi-automatic pistol, while Tarik Roberts waited in the car.

25. While in the Host Resort, defendant MARCOS SANTIAGO vaulted over the counter, pointed the Desert Eagle .44 magnum semi-automatic pistol at a hotel employee, then pushed the pistol against the hotel employee's back, demanded money and stole approximately \$180 in cash from the Host Resort.

26. Upon exiting the Host Resort and seeing a police officer, defendant MARCOS SANTIAGO ran with the Desert Eagle .44 magnum semi-automatic pistol and the stolen cash.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 and Overt Acts 1 thorough 8 of Count One are incorporated here.
2. On or about May 2, 2002, in East Lampeter, Pennsylvania, in the Eastern District of Pennsylvania, defendant

MARCOS SANTIAGO

unlawfully obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendant unlawfully took and obtained property, specifically, approximately \$190 in cash and other items of value, from the person and presence of employees of the Ramada Inn, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, and property in their custody and possession belonging to the hotel, that is, by pointing a Desert Eagle .44 magnum semi-automatic pistol, demanding cash, and otherwise threatening employees of the Ramada Inn.

In violation of Title 18, United States Code, Section 1951(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 2, 2002, in East Lampeter, Pennsylvania, in the Eastern District of Pennsylvania, defendant

MARCOS SANTIAGO

knowingly possessed a firearm, that is, a Desert Eagle .44 magnum semi-automatic pistol, in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to interfere with commerce by robbery, as charged in Count One of this Indictment and interference with commerce by robbery, as charged in Count Two of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 2 and Overt Acts 9 through 18 of Count One are incorporated here.

2. On or about May 5, 2002, in Shillington, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**MARCOS SANTIAGO and
ALFREDO SANTIAGO, a/k/a “Primo,”**

unlawfully obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendants unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of property, specifically, approximately \$3000 in cash and other items of value, from the person and presence of an employee of the Days Inn, against her will by means of actual and threatened force, violence, and fear of injury, immediate and future, to her person and property, and property in her custody and possession belonging to the hotel, that is, by pointing a Desert Eagle .44 magnum semi-automatic pistol, demanding cash and a safe, and otherwise threatening an employee of the Days Inn.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 5, 2002, in Shillington, Pennsylvania, in the Eastern District of Pennsylvania, defendants

**MARCOS SANTIAGO and
ALFREDO SANTIAGO, a/k/a “Primo,”**

knowingly possessed and aided and abetted the possession of a firearm, that is, a Desert Eagle .44 magnum semi-automatic pistol, in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, that is, conspiracy to interfere with commerce by robbery, as charged in Count One of this Indictment and interference with commerce by robbery, as charged in Count Four of this Indictment.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 3 and Overt Acts 19 through 26 of Count One are incorporated here.
2. On or about May 19, 2002, in East Lampeter, Pennsylvania, in the Eastern District of Pennsylvania, defendant

MARCOS SANTIAGO

unlawfully obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendant unlawfully took and obtained property, specifically, approximately \$180 in cash and other items of value, from the person and presence of an employee of the Host Resort, against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, and property in his custody and possession belonging to the hotel, that is, by pointing a Desert Eagle .44 magnum semi-automatic pistol, demanding cash, and otherwise threatening an employee of the Host Resort.

In violation of Title 18, United States Code, Sections 1951(a).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 19, 2002, in East Lampeter, Pennsylvania, in the Eastern District of Pennsylvania, defendant

MARCOS SANTIAGO

knowingly possessed a firearm, that is, a Desert Eagle .44 magnum semi-automatic pistol, in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to interfere with commerce by robbery, as charged in Count One of this Indictment and interference with commerce by robbery, as charged in Count Six of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 19, 2002, in East Lampeter, Pennsylvania, in the Eastern District of Pennsylvania, defendant

MARCOS SANTIAGO,

with intent to cause death and serious bodily harm, did take from the person and presence of another, by force and violence and intimidation, a motor vehicle, that is, a 1987 Gray Cadillac, with a Vehicle Identification Number 1G6CD5185H4251509, that had been transported, shipped and received in interstate commerce.

In violation of Title 18, United States Code, Section 2119.

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 2, 2002, at East Lampeter, Pennsylvania, in the Eastern District of Pennsylvania, defendant

MARCOS SANTIAGO,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Desert Eagle .44 magnum semi-automatic pistol, bearing serial number 31204133.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 19, 2002, at East Lampeter, Pennsylvania, in the Eastern
District of Pennsylvania, defendant

MARCOS SANTIAGO,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable
by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate
and foreign commerce a firearm, that is, a Desert Eagle .44 magnum semi-automatic pistol,
bearing serial number 31204133.

In violation of Title 18, United States Code, Section 922(g)(1).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney